

RESOLUTIONS OF THE LEGISLATURE OF KENTUCKY,

IN FAVOR

Of the passage of a law by Congress to enable citizens of slaveholding States to recover slaves when escaping into the non slaveholding States.

DECEMBER 20, 1847.

Referred to the Committee on the Judiciary, and ordered to be printed.

REPORT AND RESOLUTIONS of the General Assembly of the commonwealth of Kentucky.

The committee on federal relations, to whom were referred the proceedings of a meeting of the people of the counties of Trimble and Carroll, in relation to a recent abolition mob in the town of Marshall, State of Michigan, have had the same under consideration and submit the following report:

It appears to the satisfaction of the committee that one Francis Troutman was employed as agent and attorney in fact for Francis Giltner, of the county of Carroll, to go to the said town of Marshall, in the State of Michigan, to reclaim, take and bring back to the State of Kentucky certain fugitive and runaway slaves, the property of said Giltner; that said Troutman proceeded, under the authority thus given him, to said town of Marshall, for the purpose of reclaiming and bringing home to the owner the slaves aforesaid; and whilst endeavoring to arrest said slaves, a mob, composed of free negroes, runaway slaves, and white men, to the number of from two to three hundred, forbid said Troutman, and those who accompanied him for that purpose, to arrest and take into their possession the slaves aforesaid, and by their threats, riotous and disorderly conduct, did prevent said Troutman, and those associated with him for that purpose, from taking into their possession the slaves aforesaid.

Your committee regret that the citizens of the town of Marshall, in the State aforesaid, have thus acted and conducted themselves; such conduct and such outrages committed upon the rights and citizens of the State of Kentucky, or any other State of this Union, must necessarily result in great mischief, and is well calculated, and must, if persisted in by the citizens of Michigan, or any other of the free States of this Union, terminate in breaking up and destroying the peace and harmony that is desirable by every good citizen of all the States of this Union, should exist between the several States, and is in violation of the laws of the United States and the constitutional rights of the citizens of the slave States. The affidavit of said Troutman is appended to this report and made part hereof, (marked A.) Wherefore,

Tippin & Streeper, printers.

Be it resolved by the General Assembly of the commonwealth of Kentucky, That the legislature of the State of Michigan be, and is hereby, respectfully but earnestly requested to give the subject that consideration which its importance demands, and to take such action thereon as in the judgment of said legislature is deemed proper and right, with a view to maintain that peace, amity, and good feeling which ought to exist between the citizens of the States of Michigan and Kentucky, and for the purpose of enabling the citizens of Kentucky to reclaim their runaway and fugitive slaves to the State of Michigan.

Resolved further, That our Senators and Representatives in Congress be requested to turn their attention to the subject embraced in the foregoing report and resolution, and urge upon the consideration of Congress the importance of passing such laws as will fully enable the citizens of the State of Kentucky, and the other slave States, to reclaim and obtain their slaves that may run away to the free or non-slaveholding States of this Union; that they also declare by said laws the severest penalty for their violation that the constitution of the United States will tolerate.

Resolved, That the governor be requested to forward to the governor of the State of Michigan a copy of the foregoing report and resolutions, with a request that he submit the same to the legislature of his State, for its consideration and action; that he also forward a copy of the same to each of our Senators and Representatives in Congress.

LESLIE COMBS,

Speaker of the House of Representatives.

ARCHIBALD DIXON,

Speaker of the Senate.

Approved March 1, 1847.

WM. OWSLEY.

By the Governor:

G. B. KINKEAD,

Secretary of State.

A.

The Affidavit of Francis Troutman.

This affiant states that, as the agent and attorney of Francis Giltner, of Carroll county, Kentucky, he proceeded to the town of Marshall, in the county of Calhoun, and State of Michigan, and in company with the deputy sheriff and three Kentuckians, on the morning of the 27th January, went to a house in which they found six fugitive slaves, the property of Giltner. The slaves were directed to accompany us to the office of a magistrate; some of them were preparing to obey the summons, but before affiant could get them started he was surrounded by a mob, which, by its violent threats, menaces, and assaults, prevented the removal of the slaves to the office of the magistrate. Affiant directed the sheriff, time after time, to discharge his duty, and he as often made an effort to do so, but so great was the excitement and violence of the mob that the officer was afraid to seize the slaves. Resolutions were offered by some of the most influential citizens of the town, which were calculated greatly to excite and encour-

age the negroes and abolition rabble, who constituted a part of the mob. The negroes engaged in the mob were estimated at from forty to fifty, many of whom are fugitive slaves from Kentucky, as affiant was informed and believes. The number of persons engaged in the mob were variously estimated at from two to three hundred. All the resolutions offered by those engaged in the mob were sustained by general acclamation; many of the mob pledged their lives to sustain them, and at the same time had guns, clubs, and other weapons in their hands with which to execute their purposes. Affiant contended for some hours with the mob, and still insisted on taking the slaves before the magistrate for trial; but the influential men of the mob told affiant that there was no need of a trial, and that any further attempt to remove the slaves would jeopard the lives of all who might make the attempt, and they were determined to prevent affiant from removing the slaves from town, even if he proved his right to do so; they stated, further, that public sentiment was opposed to southerners reclaiming fugitive slaves; and that although the law was in our favor, yet public sentiment must and should supersede the law in this and similar cases. Affiant then called upon some of the most active members of the mob to give him their names, and inform him if they considered themselves responsible for their words and actions on that occasion; they promptly gave their names to affiant, and he was told to write them in capital letters and bear them back to Kentucky, the land of slavery, as an evidence of their determination to persist in the defence of a precedent already established. The following resolution was then offered: *Resolved*, That these Kentuckians shall not remove from this place these (naming the slaves) by moral, physical, or legal force. It was carried by general acclamation. Affiant then directed the sheriff to summon those leading men of this mob to assist in keeping the peace; he did so, but they refused their aid, and affiant understood them to say that they would assist in preventing the arrest of the slaves. A consultation was then held by eight or ten of the mob, out some distance from the main crowd, as to whether affiant might take them before the magistrate; the decision was in the negative, and the following resolution was then offered: *Resolved*, That these Kentuckians shall leave the town in two hours; (some penalty in the event of a failure was attached, which affiant does not recollect.) It was sustained by the unanimous vote of the mob.

A warrant for trespass was then issued and served upon the sheriff, affiant, and company; we stood trial; the magistrate, who was an abolitionist, fined us \$100. A warrant was then taken out against affiant for drawing a pistol upon a negro, and telling him to stand back, when said negro was making an attempt to force himself upon affiant and into the house where affiant had the slaves. On trial affiant proved his agency; and that the slaves were the property of Giltner, for whom he was acting as agent, yet the court recognised this affiant to appear at the next circuit court for trial.

Many were the insults offered affiant by the leading men of the mob, who informed him at the same time that it was just such treatment as a Kentuckian deserves when attempting to re-capture a slave, and that they intended to make an example of him, that others might take warning. That there had been attempts by slaveholders to reclaim slaves in their town, but that they had always been repulsed, and always shall be. The insults offered this affiant, as a private individual, were treated with a veto of silent contempt; but such as were offered him as a Kentuckian, during

the time of the mob and the progress of two days' trial which succeeded, were resented in such a manner as this affiant believed the honor, dignity and independence of a Kentuckian demanded.

Given under my hand this 15th February, 1847.

F. TROUTMAN.

FRANKLIN COUNTY, *set* :

Personally before the undersigned, a justice of the peace for said county, this day came the above named Francis Troutman, who made oath, in due form of law, to the truth of the statements as set forth in the foregoing affidavit.

Given under my hand this 15th day of February, 1847.

H. WINGATE, *J. P.*

EXECUTIVE DEPARTMENT,

Frankfort, Ky., Dec. 11, 1847.

SIR: The last general assembly adopted the annexed report and resolutions in reference to certain proceedings had in a meeting of the people of Trimble and Carroll counties, in this State, which I now have the honor to forward, agreeably to the directions of the legislature.

I have the honor to be, very respectfully, your obedient servant,

WM. OWSLEY,

Governor.

W. D. REED,

Secretary of State.

TO HON. JOSEPH R. UNDERWOOD.